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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/206,720	12/07/98	WILSON	K 20WILSON/BOA

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PM82/0810

EXAMINER

VANAMAN, F

ART UNIT	PAPER NUMBER
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3611

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DATE MAILED: 08/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/206,720</b>	Applicant(s) <b>Wilson et al.</b>
	Examiner <b>Frank Vanaman</b>	Group Art Unit <b>3611</b>

Responsive to communication(s) filed on May 30, 2000.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1, 2, 4-9, 23, and 24 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 2, 4-9, 23, and 24 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **Status of Application**

1. Applicant's amendment, filed May 30, 2000 has been entered in the application, claims 1, 2, 4-9, 23 and 24 are pending, claim 3 having been canceled.

### **Claim Rejections - 35 USC § 103**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Ref: 6/10/00*  
3. Claims 1, <sup>2,</sup> 4, 5, 8, 9, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houser (US 3,118,157; cited previously) in view of Dickert (US 3,722,900; cited previously). Houser teaches a gliding vehicle (col. 1, lines 8-10) which may be ridden by a person standing upon it (at 8) including a top (2, 3, 4, 5, figure 1), bottom (proximate 15, figure 3), sides, front and back, plural hollow keels (inside portions 12, 13 and having widths of greater dimension than their heights) extending substantially the length of the vehicle, and hollow left and right rails (inside portions 11, 14), each of the keel and left and right sections are formed between the top and bottom and may be made from aluminum (col. 1, lines 55-65), the front end having an arcuate shape and a bent-up profile.

The reference of Houser fails to teach the gliding vehicle as being a skate board and having at least front and rear wheel trucks. Dickert teaches a system comprising a plurality (up to 6, at locations 21-26, figure 4) of wheel trucks (2-9, 13-17, figure 2) which may be connected to a gliding vehicle (1) to convert it to a skate board. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the wheel trucks of Dickert with the gliding vehicle of Houser to be used as a skateboard, for the purpose of allowing the use of the gliding vehicle on non-snow-covered areas.

As regards claims 5 and 8, while the reference of Houser as modified by Dickert fails to teach the rear end as having a bent-up profile and an arcuate shape, it is well known to make gliding vehicles with identical or very similar front and rear end portions for the purpose of accommodating users engaging in stunt activities involving 180 degree turns, and as such it would

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have been obvious to one of ordinary skill in the art at the time of the invention to provide a bent-up profile and arcuate shape taught by to be located at the front of the vehicle of Houser as modified by Dickert additionally at the rear end of the vehicle for the purpose of allowing a similar vehicle operation upon reversal of direction.

As regards claims 23 and 24, the reference of Houser as modified by Dickert fails to provide particular force to deflection characteristics for the gliding vehicle, however, it is generally well known to adjust cross sections of elements to obtain different stress-strain characteristics and as such it would have been obvious to one of ordinary skill in the art at the time of the invention to select the material characteristics, for example the thickness, of the gliding vehicle such that deflection is limited under particular loadings for the purpose of tuning the vehicle by stiffening it.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houser as modified by Dickert as applied to claim 5 above, and further in view of Joyce (US 3,374,495, cited previously). The references of Houser and Dickert are discussed above and fail to teach plastic end guards on the front and rear ends of the vehicle. Joyce teaches a plastic end guard (11) which may be attached to arcuate ends (10, 22) of a gliding vehicle. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide end guards at each end (both ends modified above with respect to claim 5 to be of arcuate shape) of the vehicle of Houser as modified by Dickert to protect the vehicle in the case of minor collisions with other objects.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houser in view of Dickert and Schorr (US 4,196,916, cited previously). The references of Houser and Dickert are discussed above and fail to teach the board as having a concave profile. Schorr teaches a skate board having an upwardly concave profile (figures 2, 3, 4, 5) and optionally made from a metal. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the upwardly concave cross section as suggested by Schorr to the cross sectional shape of

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the vehicle of Houser as modified by Dickert for the purpose of allowing a rider's feet to parallel the riding surface, even under turning conditions (Schorr at col. 2, lines 56-63, for example).

#### **Response to Arguments**

6. Applicant's arguments with respect to claims 1, 2, 4-9, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection. Please note that the claim rejections based on the Tibbals reference as modified by Schorr and Smisek have been withdrawn. As regards the reference to Smisek, the examiner agrees that the hollow concave sections inside the board of Smisek do not extend through substantially the length of the board, and further that structural differences between the downward extending portions of Smisek and Tibbals would make the addition of a cover such as taught by Smisek to the board of Tibbals difficult.

#### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wallace et al. (US 5,029,661), and Gordon et al. (US 5,924,718) teach vehicle structures of pertinence.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry; informal or draft communications may be faxed to the same number but should be clearly labeled "UNOFFICIAL" or "DRAFT")

**FRANK B. VANAMAN**  
**Patent Examiner**  
**Art Unit 3611**

August 8, 2000

